

DEPARTMENT OF THE ARMY

JACKSONVILLE DISTRICT CORPS OF ENGINEERS FORT MYERS REGULATORY OFFICE 2301 MCGREGOR BOULEVARD, SUITE 300 FORT MYERS, FLORIDA 33901

Regulatory Division
West Permits Branch
Fort Myers Regulatory Office

OCT 04 2001

PUBLIC NOTICE

Permit Application No. 200103534(IP-SR)

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899.

APPLICANT: Lee County Board of County Commissioners

PO Box 398

Fort Myers, FL 33902

WATERWAY & LOCATION: The project site is located in the Caloosahatchee River adjacent to the Caloosahatchee Regional Park, in Sections 17, 18, 19 & 20, Township 43 South, Range 27 East, Lee County, Florida.

LATITUDE & LONGITUDE: Latitude 26°43' 45" North Longitude 81°39' 00" West

WORK & PURPOSE: The applicant proposes to construct a 2- wet slip public docking facility, an overlook tower and fishing pier and a canoe/kayak launching facility at the Lee County Caloosahatchee Regional Park. The proposed facilities will be used for public recreational daytime use. There is no dredging proposed for this project.

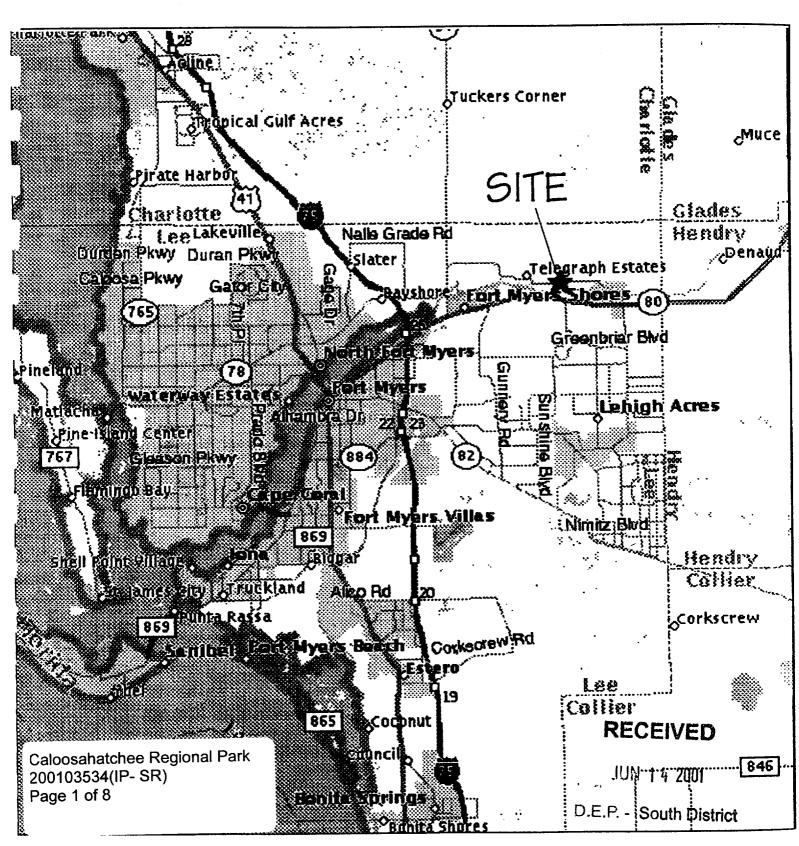
ENDANGERED SPECIES: The project site is not located in a designated critical habitat for the West Indian (Florida) manatee. The applicant has expressed a willingness to implement the Manatee Special Conditions. The Corps of Engineers has made a determination that the proposed work may effect but is not likely to adversely the manatee and is currently requesting formal consultation as defined under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service by separate letter.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified. A complete set of full-size drawings is available at the Fort Myers Regulatory Office for review.

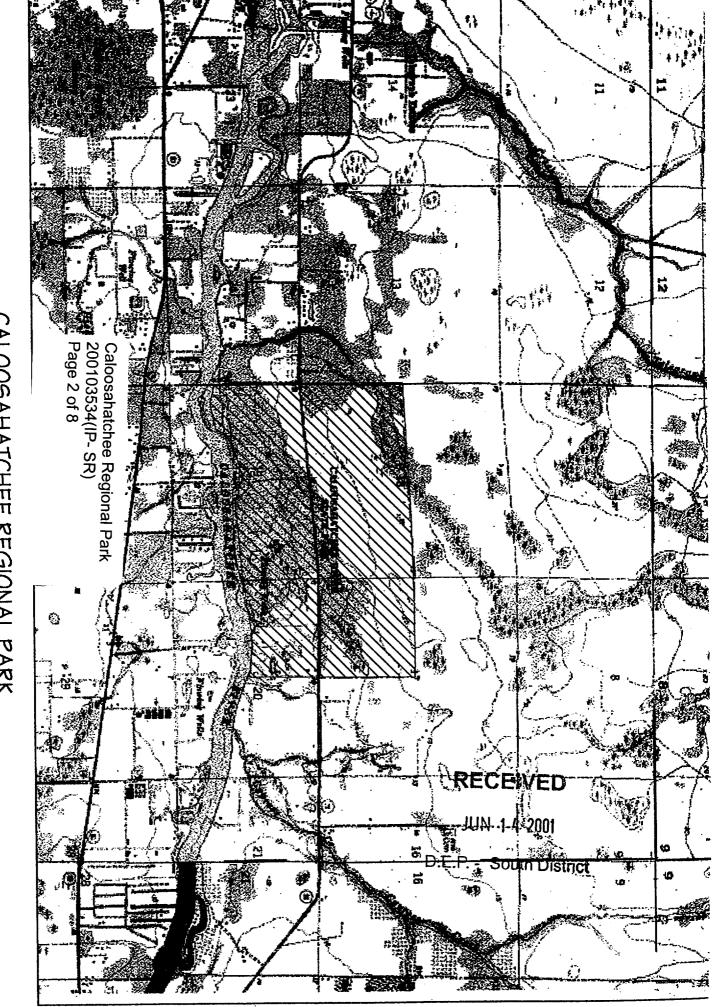
<u>AUTHORIZATION FROM OTHER AGENCIES</u>: The Florida Department of environmental Protection is currently reviewing an Environmental Resource Permit application for the proposed project. The application number is 36-018556-001.

Comments regarding the application should be submitted in writing to the District Engineer at the U.S. Army Corps of Engineers; Fort Myers Regulatory Office; 2301 McGregor Boulevard; Suite 300; Fort Myers, Florida 33901 within 30 days from the date of this notice.

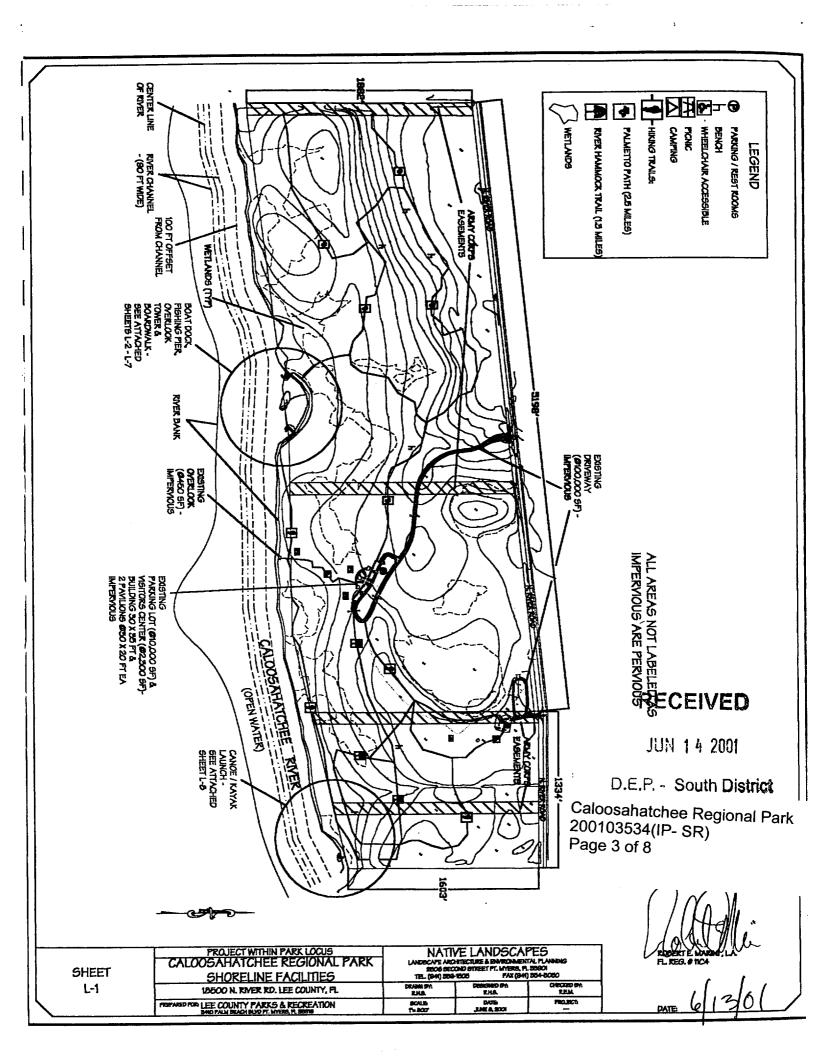
If you have any questions concerning this application, you may contact Mr. Steve Sullivan at the Fort Myers Regulatory Office or by phone at 941-334-1975 or by email at stephen.r.sullivan@saj02.usace.army.mil

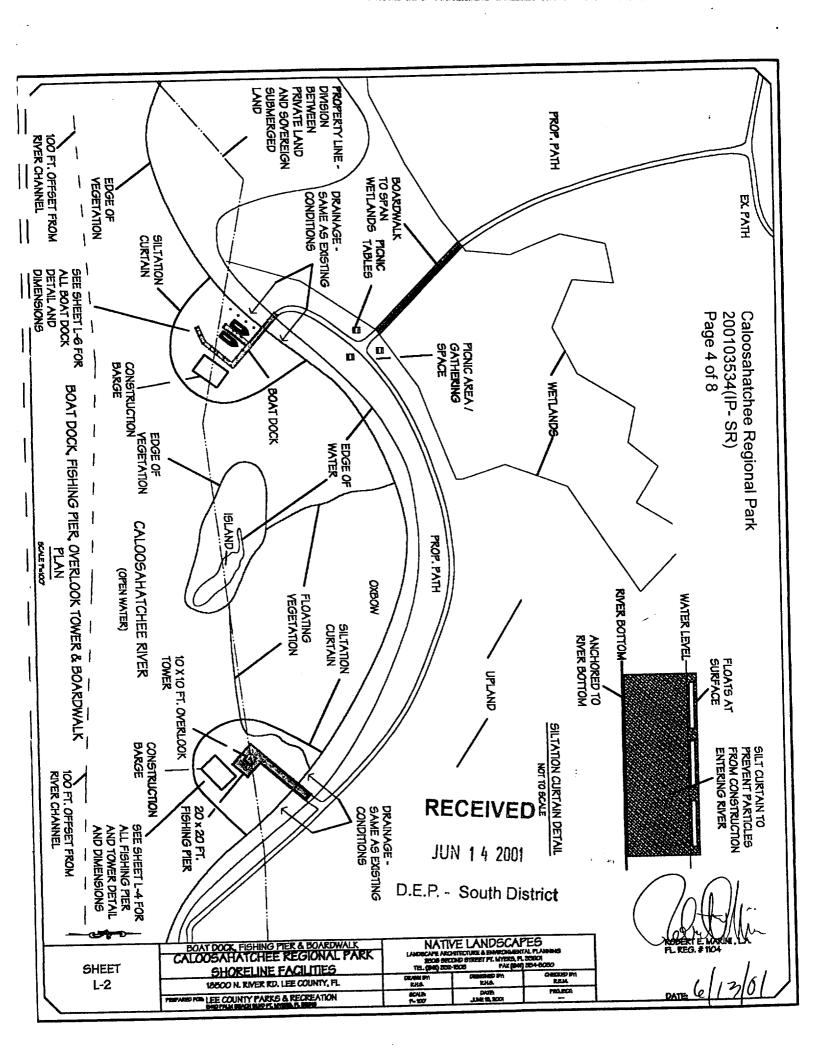


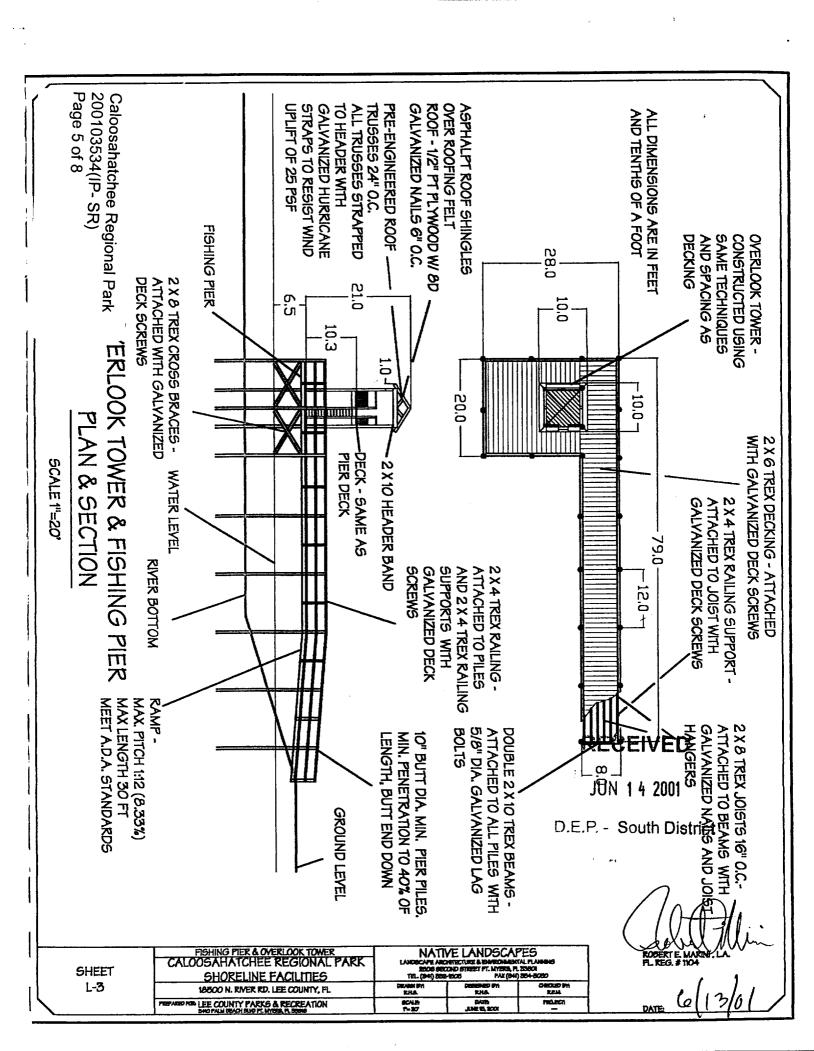
CALOOSAHATCHEE REGIONAL PARK
COUNTY LOCATION MAP

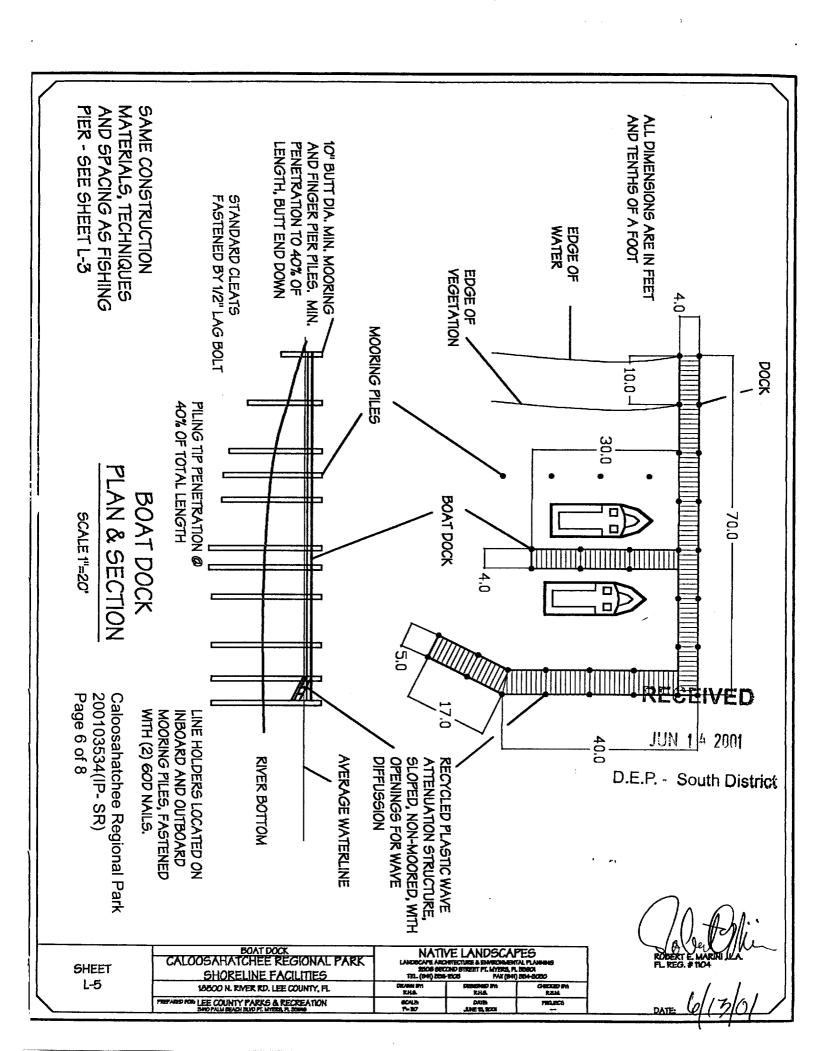


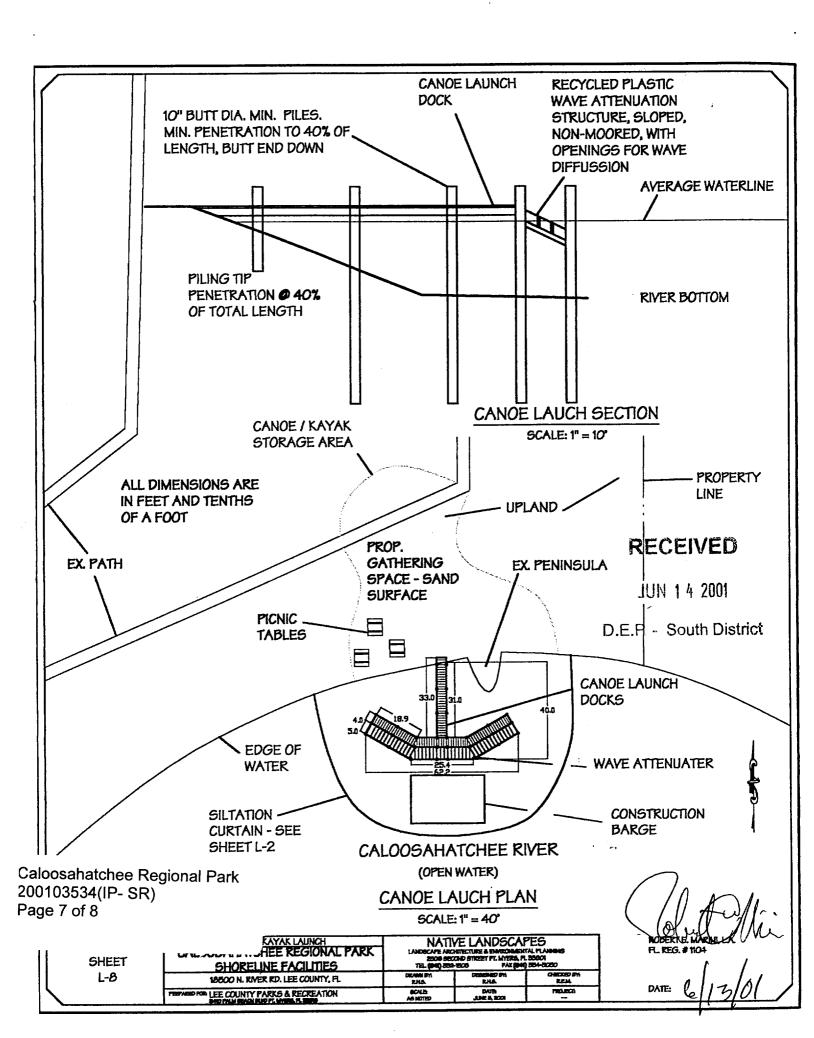
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LOCATION MAP

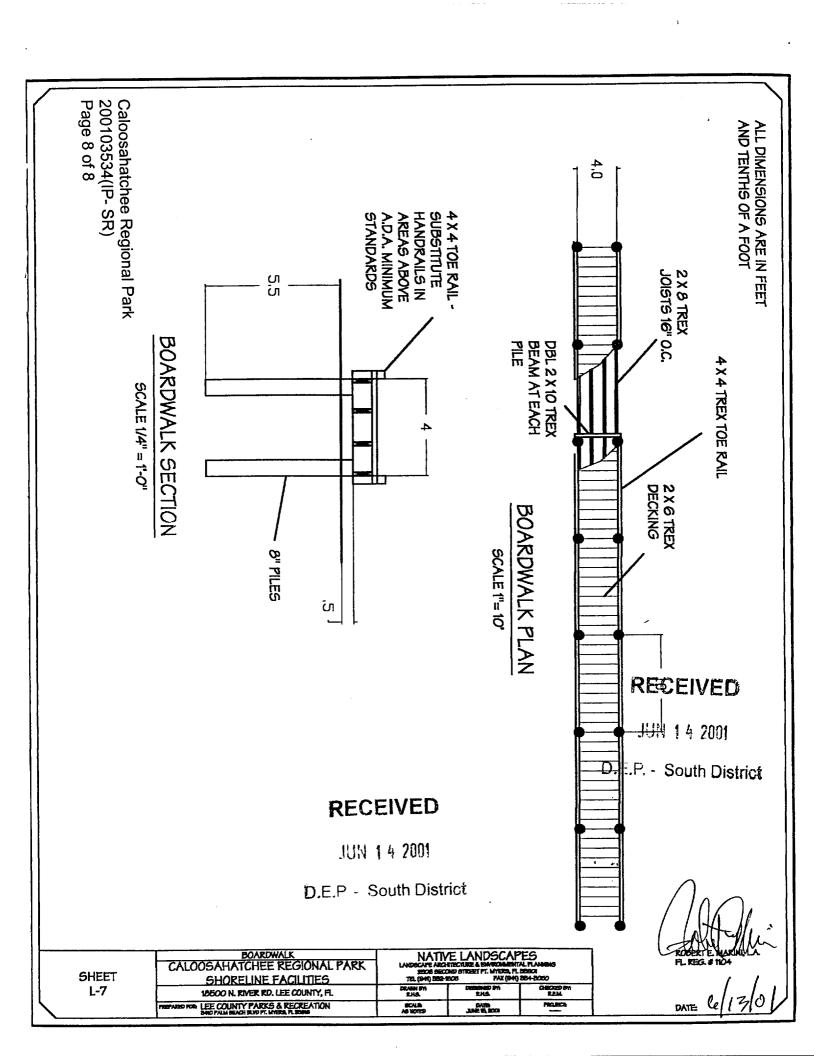












IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

John R. Hall

Chief, Regulatory Division